



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

January 13, 2009

IN REPLY PLEASE
REFER TO FILE: **MP-6**

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**SAN GABRIEL RIVER - PARCEL 202A
GRANT OF EASEMENT FROM THE LOS ANGELES COUNTY FLOOD CONTROL
DISTRICT TO THE COUNTY SANITATION DISTRICT
NO. 2 OF LOS ANGELES COUNTY
IN THE CITY OF CERRITOS
(SUPERVISORIAL DISTRICT 4)
(3 VOTES)**

SUBJECT

This action is to approve a grant of an easement from the Los Angeles County Flood Control District to the County Sanitation District No. 2 of Los Angeles County for sewer siphon purposes in San Gabriel River in the City of Cerritos.

**IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY OF
THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:**

1. Find that the proposed grant of an easement is categorically exempt from the provisions of the California Environmental Quality Act (CEQA).
2. Find that the proposed grant of an easement for sewer siphon purposes and the subsequent use of said easement will not interfere with the use of San Gabriel River for any purposes of the Los Angeles County Flood Control District.

3. Approve the grant of an easement for sewer siphon purposes from the Los Angeles County Flood Control District to the County Sanitation District No. 2 of Los Angeles County within San Gabriel River, Parcel 202A, in the City of Cerritos for \$9,000.
4. Instruct the Chairman to sign the Easement document and authorize delivery to the County Sanitation District No. 2 of Los Angeles County.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to obtain your Board's approval to grant an easement for sewer siphon purposes across a portion of San Gabriel River, Parcel 202A, in the City of Cerritos from Los Angeles County Flood Control District (LACFCD) to the County Sanitation District No. 2 of Los Angeles County (CSD).

Implementation of Strategic Plan Goals

The County Strategic Plan directs the provision of Community Services (Goal 6) and Fiscal Responsibility (Goal 4). This transaction allows for the continuation of sewer services to the area, thereby improving the quality of life for County residents and the revenue from the proposed grant of easement will be used for flood control purposes.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The proposed cost of the easement in the amount of \$9,000 represents the market value. This amount has been paid and deposited into the Flood Control District Fund.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

San Gabriel River, Parcel 202A, is located east of Palo Verde Avenue and north of Artesia Boulevard, in the City of Cerritos, as shown on the attached map.

In the 1960's, as a part of the original construction of the San Gabriel River, CSD's sewer siphon was relocated and a replacement easement was to be granted by the LACFCD. While CSD was processing a permit to reconstruct their existing sewer siphon, they discovered the easement was never granted and requested this easement for the continued right to operate and maintain their sewer siphon.

The proposed grant of easement is authorized by Section 2, Paragraph 13, of the Los Angeles County Flood Control Act. This Section provides as follows: "Said Los Angeles County Flood Control District is hereby declared to be a body corporate and politic, and as such shall have the power...13. To...sell or dispose of any property (or any interest therein) whenever in the judgment of said board of supervisors, said property or any interest therein, or any part thereof, is no longer required for the purpose of said district..."

The granting of this easement is not considered adverse to LACFCD's purposes and will not hinder the use of the San Gabriel River for possible transportation, utility, or recreational corridors. Moreover, the instrument reserves paramount rights for LACFCD purposes.

The attached Easement document has been approved by County Counsel and will be recorded.

ENVIRONMENTAL DOCUMENTATION

The proposed grant of easement to CSD for sewer siphon purposes is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15305(b) of the CEQA Guidelines and Class 5(a) of the Environmental Reporting Procedures and Guidelines adopted by your Board on November 17, 1987. These exemptions provide for granting of easements with other local agencies.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

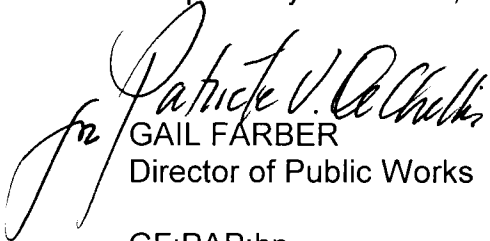
This action allows for the joint use of the LACFCD's right of way without interfering with the primary mission of the LACFCD.

The Honorable Board of Supervisors
January 13, 2009
Page 4

CONCLUSION

Please return one adopted copy of this letter and the executed original Easement document to the Department of Public Works, Mapping & Property Management Division. Retain the duplicate for your files.

Respectfully submitted,

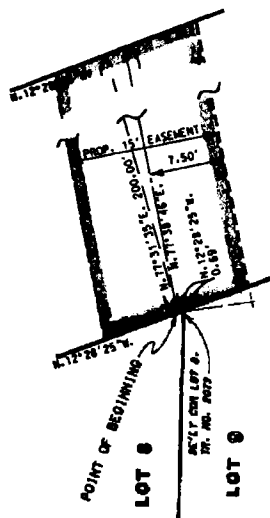

GAIL FARBER
Director of Public Works

GF:PAP:hp

Attachments (2)

c: Auditor-Controller (Accounting Division - Asset Management)
Chief Executive Office (Lari Sheehan)
County Counsel

POR SW 1/4 OF SE 1/4, SEC 26, T3S, R12W, S.B.M.
OF RANCHO LOS COYOTES



OR (Proposed)
County Sanitation District No. 2
Power Plant - 1000 sq. ft.
Area - 3.000 sq. ft.

OR 87-43364
LACFD-For

OR 10793-154
LACFD-Ease.

OR 10793-154
LACFD-Ease.

OR 10793-154
LACFD-Ease.

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OR 10793-154
LACFD-Ease.

TRACT NO. 2070

TRACT NO. 2071

TRACT NO. 2072

TRACT NO. 2073

TRACT NO. 2074

TRACT NO. 2075

ARTESIA

BLVD

CITY OF BELLEFLORES
CITY OF CERRITOS

CITY OF CERRITOS
CITY OF BELLEFLORES

TRACT

NO.

20771

TRACT

NO.

20772

M. B. 227. 1 - 2



NO SCALE

REFERENCE: SAN GABRIEL RIVER
6-RW 18.5

DUPLICATE

RECORDING REQUESTED BY
AND MAIL TO:

County Sanitation District No. 2
of Los Angeles County
P.O. Box 4998
Whittier, CA 90607-4998

Space Above This Line Reserved for Recorder's Use

THIS DOCUMENT IS EXEMPT FROM DOCUMENTARY TRANSFER TAX PURSUANT TO
SECTION 11922 OF THE REVENUE & TAXATION CODE.

Assessor's Identification Number:
7034-001-901 (Portion)

THIS DOCUMENT IS EXEMPT FROM RECORDING FEES PURSUANT TO SECTION
27383 OF THE GOVERNMENT CODE.

EASEMENT

For a valuable consideration, receipt of which is hereby acknowledged, the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, a body corporate and politic (hereinafter referred to as DISTRICT), does hereby grant to COUNTY SANITATION DISTRICT NO. 2 OF LOS ANGELES COUNTY, a body corporate and politic (hereinafter referred to as GRANTEE), a perpetual easement for sewer siphon purposes and the right to lay, construct, maintain, reconstruct, use, and operate sewers and appurtenances in, on, over, under, and across the real property in the City of Cerritos, County of Los Angeles, State of California, described in Exhibit A attached hereto and by this reference made a part hereof.

Together with the further right to enter upon and to pass and repass over and along said easement and right of way and to deposit tools, implements, and other materials thereon by GRANTEE, its officers, agents, and employees, and by persons under contract to construct said sewers and appurtenances, and their employees, whenever and wherever necessary for the aforesaid purposes, and the right to enter upon and use such land adjoining said easement and right of way as is necessary for construction of said sewers and appurtenances.

PROVIDED, however, that this conveyance is made under and subject to the following reservations and conditions which GRANTEE, by the acceptance of said easement and right of way, agrees to keep and perform, viz:

File with: SAN GABRIEL RIVER 202 6-RW 18.5 S.D. 4	M0823004
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OG:bw

P:\CONF\OG-E SG RVR 202 12607

1. DISTRICT reserves the paramount right to use said land for flood control purposes.
2. GRANTEE agrees that it will not perform or arrange for the performance of any construction or reconstruction work in, on, over, under, and across the land herein described until the plans and specifications for such construction or reconstruction work shall have first been submitted to and been approved in writing by the Chief Engineer of the Los Angeles County Flood Control District, which approval shall not unreasonably be withheld. Such approval by DISTRICT shall not be interpreted or inferred as an endorsement or approval as to the design, accuracy, correctness, or authenticity of the information shown on the submitted plans and specifications. DISTRICT does not accept ownership or responsibility for the improvements.
3. GRANTEE agrees that it will indemnify and save harmless DISTRICT, its officers, agents, and/or employees, from any and all liability, loss, or damage to which DISTRICT, its officers, agents, and/or employees, may be subjected as the result of any act or omission by GRANTEE, its officers, agents, or employees, arising out of the exercise by GRANTEE, its officers, agents, or employees of any of the rights granted to it by this Easement.
4. It is expressly understood that DISTRICT will not be called to construct, repair, maintain, or reconstruct any structure or improvement to be erected or constructed pursuant to this Easement.
5. DISTRICT reserves the right to build structures or other improvements for flood control purposes over and across the herein-described land. GRANTEE shall be responsible for reinforcing or relocating sewers and appurtenances, if required, due to the exercise of the rights reserved to DISTRICT as above provided. DISTRICT agrees to submit to the Chief Engineer and General Manager of GRANTEE plans and specifications for the structures or improvements at least 12 months before the commencement of construction.
6. DISTRICT reserves the right to pave, raise, or lower the ground surface elevation of the herein-described land. GRANTEE shall be responsible for reinforcing the sewers and adjusting the grades of its manhole covers if required due to the exercise of this right by the DISTRICT.
7. GRANTEE will restore and replace the surface of the ground and the improvements over the above-mentioned right of way and will repair any and all damage to the property of DISTRICT adjoining said right of way, which is injured or damaged in the construction, operation, or maintenance of said sewers and appurtenances.
8. The provisions and conditions contained in this Easement document shall be binding upon GRANTEE, its successors, and assigns.

To the extent any lawful assessment be levied pertaining to the area to which this easement applies and to the extent that the assessment is based on the structures and improvements being constructed under the authority of this Easement and provided further that the assessment be levied following GRANTEE's exercise of this easement to construct such structures and improvements, GRANTEE agrees to pay on behalf of DISTRICT that part of any such assessment levied against DISTRICT, which is based on the value contributed to that area by GRANTEE's said structures and improvements.

Dated _____

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT,
a body corporate and politic

By _____
Chairman, Board of Supervisors of the
Los Angeles County Flood Control District

(LACFCD-SEAL)

ATTEST:

SACHI A. HAMAI, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

By _____
Deputy

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On January 6, 1987, the Board of Supervisors for the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts adopted a resolution pursuant to Section 25103 of the Government Code that authorized the use of facsimile signatures of the Chairman of the Board on all papers, documents, or instruments requiring the Chairman's signature.

The undersigned hereby certifies that on this _____ day of _____, 20_____, the facsimile signature of _____, Chairman of the Board of Supervisors of the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, was affixed hereto as the official execution of this document. The undersigned further certifies that on this date a copy of the document was delivered to the Chairman of the Board of Supervisors of the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT.

In witness whereof, I have also hereunto set my hand and affixed my official seal the day and year above written.

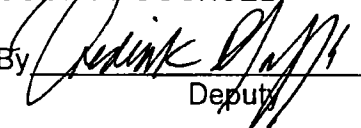
SACHI A. HAMAI, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

By _____
Deputy

(LACFCD-SEAL)

APPROVED AS TO FORM

RAYMOND G. FORTNER, JR.
COUNTY COUNSEL

By  _____
Deputy

APPROVED as to title and execution,

_____, 20_____.

DEPARTMENT OF PUBLIC WORKS
Mapping & Property Management Division

Supervising Title Examiner

By _____

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Easement dated _____, from the Los Angeles County Flood Control District, a body corporate and politic, to County Sanitation District No. 2 of Los Angeles County, a body corporate and politic, is hereby accepted by order of the Board of Directors of the County Sanitation District No. 2 of Los Angeles County on _____, pursuant to authority conferred by resolution of said Board of Directors, adopted on _____, and the grantee consents to recordation thereof by its duly authorized officer.

Dated _____

By _____

EXHIBIT A

File with: **SAN GABRIEL RIVER 202**
6-RW 18.5
A.P.N. 7034-001-901 (portion)
T.G. 736(E7)
I.M. 054-237
S.D. 4
M0823004

LEGAL DESCRIPTION

(Grant of easement for sewer siphon purposes)

That portion of that certain parcel of land in the southwest quarter of the southeast quarter of Section 26, Township 3 South, Range 12 West, S.B.M., Rancho Los Coyotes, as shown on map recorded in Book 1, pages 493 and 494, of Patents and in Book 7425, pages 20 and 21, of Official Records, both in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, described in deed to LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, recorded on March 24, 1987, as Document No. 87-435364, of said Official Records, within a strip of land 15.00 feet wide, lying 7.50 feet on each side of the following described centerline:

Beginning at a point on the easterly line of Lot 8, Tract No. 2079, as shown on map recorded in Book 22, page 182, of Maps, in the office of said Registrar-Recorder/County Clerk, said point being distant North 12°28'25" West 0.69 feet from the southeasterly corner of said Lot 8; thence North 77°38'46" East 200.00 feet to the westerly line of Lot 10 of said Tract No. 2079.

The sidelines of the above-described 15-foot wide strip of land shall be prolonged or shortened at the beginning and at the ending thereof so as to terminate in said easterly and westerly lines, respectively.

Containing: 3,000 ± square feet

This real property description has been prepared in conformance with the Professional Land Surveyors Act. The signatory herein is exempt pursuant to Section 8726 of the California Business and Professions Code.

APPROVED AS TO DESCRIPTION

COUNTY OF LOS ANGELES

By _____
SUPERVISING CADASTRAL ENGINEER III
Mapping and Property Management Division